

FILED '09 NOV 12 11:32 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|-----------------------------------|---|----------------------|
| CARL L. WILSON, |) | |
| |) | |
| Plaintiff, |) | Civil No. 08-6144-HO |
| |) | |
| v. |) | ORDER |
| |) | |
| SENECA SAWMILL COMPANY, an Oregon |) | |
| corporation, and KEN ALBERTS, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

The parties both move for summary judgment; defendants move for summary judgment on all plaintiff's claims (#47) while plaintiff moves for partial summary judgment (#56). Both parties have submitted extensive briefing on both motions from which it is readily apparent that there are many material issues still in dispute. Given the parties disagreement regarding most

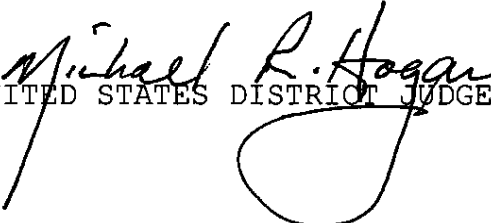
of the material facts in this case, granting summary judgment for either party at this juncture would be inappropriate. These factual disputes will be more appropriately decided by the trier of fact.

I note that the parties have not yet explored the possibility of settlement in this matter. Magistrate Judge Coffin has indicated his willingness to assist the parties in a settlement conference. Should the parties wish to avail themselves of his offer, they should contact Magistrate Judge Coffin's chambers to schedule a settlement conference.

For the reasons stated above, defendants' Motion for Summary Judgment (#47) is DENIED. Similarly, plaintiff's Motion for Partial Summary Judgment (#56) is DENIED.

IT IS SO ORDERED

DATED this 11th day of November 2009.


UNITED STATES DISTRICT JUDGE